

Claims 1-14 are provisionally rejected for alleged obviousness-type double patenting over claims 1-12, 14-19, 21, 22, and 25 of co-pending Application No. 10/306,827. The Examiner characterizes claims 1-12, 14-19, 21, 22, and 25 of Application No. 10/306,827 as being drawn to a method of increasing the yield from a polymerase reaction on a target sequence comprising contacting the target nucleic acid with a polymerase joined to a sequence non-specific-nucleic acid-binding domain anticipates current claims 1-14, drawn to a method of amplifying a target nucleic acid using a protein where the sequence non-specific binding domain specifically binds to polyclonal antibody generated against Sso7d.

The instant application and Application No. 10/306,827 are commonly owned. As the Examiner noted, no claims have been allowed in Application No. 10/306,827. Applicants will consider filing a terminal disclaimer should the conflicting claims be allowed. Applicants note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. See, MPEP §804.02.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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